IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 781 OF 2006

Somnath Nagesh Galmide ....Petitioner.

V/s

The State of Maharashtra ....Respondent.

Mr. K.S. Patil for the for the petitioner.
Mr. R.Y. Mirza, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 17th March, 2006

P.C.:

1. Heard the learned Counsel for the petitioner and the learned APP for the State.

2. The applicant was arrested in connection with C.R. No.306 of 2005 registered at Hadapsar Police Station for the offence punishable under sections 366, 376 of the Indian Penal Code.

3. It is alleged that the applicant who is a 19 year old boy was staying in the house of the complainant along with the prosecutrix and other family members. It is alleged that on 23/8/2005 at about 12 0'clock in the night, the applicant forcibly committed rape on her. The medical evidence does not disclose any injury on the person of the prosecutrix. The charge-sheet

has been filed.

5. Considering the averments made in the complaint, in my view, this is a fit case for grant of bail. The possibility of consensual sex cannot be ruled out. The applicant, therefore, be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. He shall report to Hadapsar Police Station once in a month till the trial is over.

6. It is made clear that the trial court shall not be influenced by any observation made by this Court while passing this order and the same may not be construed to mean as an expression of opinion on the merit of the case and shall decide the case on its own merit and in accordance with law.

7. Application is accordingly disposed of.

V.M. KANADE, J.